

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FRANK GARRISON,)
)
)
Plaintiff,)
)
)
v.) No. 1:22-cv-01895-RLY-TAB
)
)
U.S. DEPARTMENT OF EDUCATION and,)
MIGUEL CARDONA, in his official capacity)
as U.S. Secretary of Education,)
)
)
Defendants.)

**ORDER DENYING PLAINTIFF'S MOTION FOR A TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

On September 29, 2022, the court held a telephonic scheduling conference to discuss Plaintiff's Motion for a Temporary Restraining Order and Motion for a Preliminary Injunction and how this matter will proceed. Following a change in the student loan debt relief plan at issue (Filing No. 13), the court, in view of the fact the Department of Education exempted Plaintiff from receiving debt relief, finds Plaintiff cannot be irreparably harmed as is required for preliminary relief. Pursuant to the parties' agreement, the motions for a temporary restraining order (Filing No. 4) and preliminary injunction (Filing No. 5) are **DENIED without prejudice**.

Plaintiff has orally moved for leave to amend his complaint. That request is **GRANTED**, and Plaintiff will have until **October 10, 2022**, to file an amended complaint. Before filing an amended complaint, Plaintiff should consider the following issues raised at the telephonic scheduling conference:

1. Whether he (and any additional plaintiffs) have standing. Particularly, whether their injury is caused by and fairly traceable to the debt relief program or to the Indiana Tax Code. *See Segovia v. United States*, 880 F.3d 384, 388–89 (7th Cir. 2018).
2. Whether the Department of Education has taken sufficient action for the case to be ripe for adjudication. Plaintiff's allegations speculate about the terms of the program. But as evidenced by the Government's recent addition of an opt-out provision, the plan is still evolving.

IT IS SO ORDERED this 29th day of September.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to the Registered Counsels of Record.